

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES KAPISH *individually*
and t/d/b/a KAPS CONSTRUCTION,
Plaintiff

No. 3:15cv278
(Judge Munley)

v.

ADVANCED CODE GROUP,
JEFFREY REMAS and SHAWN
BOLLES,
Defendants

ORDER

AND NOW, to wit, this 1st day of September 2015, defendants' motion to dismiss (Doc. 11) is hereby **GRANTED** in part and **DENIED** in part as follows:

1. The motion is **GRANTED** with respect to plaintiff's Fourteenth Amendment substantive due process claim, Count II, against the defendants. Count II is **DISMISSED** with prejudice;
2. The motion is **GRANTED** with respect to plaintiff's Fourteenth Amendment procedural due process claim, Count III, against the defendants. Count III is **DISMISSED** with prejudice; and
3. The motion is **DENIED** in all other respects.
4. Defendants are further **ORDERED** to answer plaintiff's complaint within fourteen (14) days.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court